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Fourteenth session

SUMMARY RECORD OF THE 279th MEETING

Held at Headquarters, New York,
on Tuesday, 31 January 1995, at 10 a.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

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In the absence of the Chairperson, Ms. García-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Special report of Croatia (CEDAW/C/CRO/SP.1)

1. The CHAIRPERSON recalled that at its twelfth session, the Committee, being deeply concerned by events in the territory of the former Yugoslavia affecting the human rights of women, having noted that all women within the territory of the former Yugoslavia were entitled to the guarantees of the Convention, and finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, had decided, inter alia, that it should, pursuant to article 18 of the Convention, request the States of the territory of the former Yugoslavia to submit a report or reports, on an exceptional basis, for consideration at its thirteenth session. In addition, the Committee had put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world. The Republic of Croatia had been unable to submit a report at the thirteenth session, in view of which its reporting obligation had been rescheduled to the current session.

2. At the invitation of the Chairperson, Ms. Sremic and Ms. Matek (Croatia) took places at the Committee table.

3. Ms. SREMIC (Croatia), introducing the report of Croatia submitted on an exceptional basis (CEDAW/C/CRO/SP.1), said that the report, which was the first submitted by Croatia to the Committee, reflected a complex situation which differed from one part of the country to another. Some parts of Croatia had not been affected by the armed conflict, others had suffered some attacks, while others had been constantly exposed to destruction and ethnic cleansing.

4. The Republic of Croatia, the victim of brutal Serbian aggression, was determined to restore its sovereignty over its territory by peaceful means. The Republic of Croatia did not control its entire territory, some areas having been designated United Nations Protected Areas, which prevented the Government from assuming full responsibility for the protection of human rights in those areas. The precarious circumstances in border areas made it difficult to maintain law and order, although the Government had sought to promote restructuring towards a market economy, political democracy and the rule of law.

5. Croatia had become a party to the Convention, as well as to almost all the international treaties adopted under United Nations auspices, as a successor State to the former Socialist Federal Republic of Yugoslavia. In the case of the Convention on the Elimination of All Forms of Discrimination against Women, the succession had become effective in October 1991. Croatia had also become a party to a number of International Labour Organization (ILO) conventions relevant to the protection of women's rights. All those international

agreements were part of the internal legal order and could be invoked before and directly enforced by the courts.

6. Croatian legislation was in full compliance with the provisions of the Convention. Women were protected de jure and de facto, although they did not always make full use of the rights guaranteed by law, particularly with regard to political involvement. Nevertheless, there was full participation in cultural and economic life. Women had also taken an active part in the war imposed on Croatia, both as combatants and as providers of ancillary services.

7. The Constitution and other elements of the legal order formed a highly developed system of institutionalized protection for the rights and equality of men and women. The prerequisites for the implementation of such a system were political pluralism, permitting representation of the interests of all, and division of authority, with an independent judiciary defending human rights and freedoms.

8. A number of articles of the Constitution established the equality of all citizens and prohibited discrimination against women. Furthermore, restrictions imposed as a result of the state of war could not, under the Constitution, result in inequality on any grounds. Special constitutional protections were provided for women in connection with maternity, marriage and work, while violation of the equality of rights of citizens was a criminal offence.

9. As a newly established country, Croatia had no specialized government structures for the protection and advancement of women. Responsibilities in that area were delegated to each ministry within its respective sphere of activity. The special measures adopted in connection with maternity were not discriminatory, since they reflected the interests of society as a whole.

10. Steps were being taken, through legislation, education and the activities of non-governmental organizations, to eliminate gender-based prejudice. The role of the media was increasingly important in that regard, and efforts were being made to make women's roles in the media less stereotyped.

11. Marriage and common law marriage were equal before the law and, under the Marriage and Family Relations Law, were based on equality of rights for men and women. Under that Law, the minimum age for marriage was 18 for both men and women. In the past, under-age, emotionally immature women had entered into marriage and thus been put in a position of inferiority.

12. Under the Constitution, responsibility for the upbringing of children lay equally with the mother and the father, with the interests of the child being paramount. That provision was reinforced by the Marriage and Family Relations Law, under which parents exercised parental rights on equal terms. Where the parents were not married, the father's rights depended on the establishment of paternity. Parental responsibility continued in the event of divorce or dissolution of the marriage or separation. While there was no legal discrimination in awarding custody, mothers were granted custody in most cases. The non-custodial parent was required to assist in the support of the child.

13. Under the Constitution and labour legislation, and in consonance with Croatia's obligations as a party to ILO conventions, all discrimination on

grounds of gender was prohibited in the workplace. Equal conditions of employment and equal recruitment criteria were guaranteed. Nevertheless, women could not be employed in jobs deemed harmful to their health. Special guarantees were also provided for women in connection with maternity, and maternity leave was mandatory. Paternity leave was available to men under certain conditions, notably if the mother engaged in full-time employment. Health insurance was fully available to women.

14. Unfortunately, not all women in Croatia were able to exercise their rights. Women in parts of the country affected by armed conflict had suffered mistreatment, including rape. In fact, many victims of the war in Bosnia and Herzegovina, who had been the main targets of rape, were in Croatia as refugees. There were currently some 200,000 refugees and 200,000 displaced persons in Croatia, of whom a little over a half were women. The task of coping with that problem was a burden for a State which itself had been the victim of a war of aggression. It should be noted that attacks on women, particularly rape, had been used as an instrument of ethnic cleansing, as attested to by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

15. Ms. MATEK (Croatia) said that Ministry of Health records indicated that some 8,600 civilians had been wounded and 3,000 killed in the war of aggression against Croatia, of whom approximately 20 per cent had been women and 10 per cent children. Some 12 per cent of all wounded women had sustained serious disabilities, and the Government, after completing their medical treatment, was attempting to promote their social and psychological rehabilitation.

16. Particularly disturbing violations of women's rights had occurred in late 1991 and early 1992, when women had been captured, mistreated and detained in degrading conditions, in grave breach of the Geneva Conventions. In that connection, 741 women had been released from detention camps in Serbia and the Serbian-occupied territories of Croatia. Their testimony indicated that conditions in detention camps were extremely bad and that abuse and maltreatment were rife.

17. Children too had been detained in prisons and camps. Fifty-two per cent of the women detained had been over 45, and the oldest woman had been 90 years old. The average length of detention had been 86 days. Women who had been mistreated in prisons and camps were included in the Government's programme of psycho/social support for victims of the war.

18. Missing persons and their families were the war victims with the most complex problems. Women had either disappeared themselves or had relatives that had disappeared. Of the total number of disappeared women, nearly 70 per cent of whom were aged 60 or older, 24 per cent were still missing.

19. Women whose family members had disappeared three or four years previously still had no information on them. A number of people had disappeared after being captured by the Yugoslav National Army or by Serbian paramilitary troops in the presence of witnesses who had often been able to give the names of those responsible. In one case, 294 wounded persons, the youngest of them 16 years old, had been forcibly removed from Vukovar Hospital and were now registered as

missing. Many wives and mothers had personally witnessed the forcible removal of their husbands and children, but could still get no information as to their fate. The problem was a complex one and was growing worse as time passed. Women with a missing family member had serious psychological problems, and while they could be given psycho/social support, that did not solve the real problem. The Government of Croatia was therefore making every effort to trace or determine the fate of missing persons. It was cooperating closely with the Special Rapporteur of the Working Group on Enforced and Involuntary Disappearances of the United Nations Commission on Human Rights.

20. Mass rape had been used as a tactic in the initial phases of ethnic cleansing in areas from which non-Serbs had later been expelled. Rape, which had been brutal and had often been carried out in front of family members or other people, had been perpetrated in the occupied territories of Croatia and in detention camps in those territories and in Serbia, and had served the practical aims of aggression and conquest of new territory. From the very beginning of the war, the Croatian Government had organized medical doctors to document aggression against women and take victims' testimonies. Taking such testimony, which was kept confidential, was one way of supporting the victims. Doctors remained in touch with victims in order to provide them with continuing psycho/social and other medical help, if needed. About 500 testimonies had been collected from women victims of all kinds of maltreatment and abuse; of those, 10 per cent had been raped. Sixty per cent of those raped had also been subjected to torture and maltreatment. Four children had been born as a result of rapes. As women often denied any form of sexual abuse for cultural, religious or historical reasons, the actual number of women who had been raped was certainly much higher.

21. Women accounted for 53 per cent of all displaced persons and 59 per cent of all refugees in Croatia. Displaced persons had the same rights as other citizens of Croatia. Displaced persons and refugees had been provided with accommodation, food, health care and education. However, there were still problems and the Government was making great efforts to improve their living conditions and to ease the burden on refugee and displaced women in caring for their families.

22. In 1993, the Croatian Government had worked out a comprehensive programme for protecting and assisting victims of the war. One of the 10 projects it included had been the provision of gynaecological care to women victims of sexual abuse. However, the programme had not received any outside support from international organizations or Governments and had not been carried out owing to lack of financial resources.

23. In conclusion, all the rights established in the Convention on the Elimination of All Forms of Discrimination against Women were fully respected by her Government, but because of the war imposed on Croatia, many basic human rights, such as the right to life, had been violated, as had all the international conventions on human rights and the Geneva Conventions.

24. The CHAIRPERSON said that the Committee deplored the violations of women's human rights committed during the conflict in Croatia, and stressed the need to protect women in such circumstances. The Croatian Government should be encouraged in its attempts to integrate displaced and refugee women.

25. Ms. BUSTELO GARCIA DEL REAL said that the Committee would have liked to receive Croatia's report at its previous session, but appreciated the difficulties faced by the Croatian Government. She wished to be certain that no acts of aggression were currently being carried out against women in Croatia and that the facts given in the report were historical, as the Committee would have to bear that in mind in drawing up its conclusions. She asked whether women who had become pregnant as a result of rape had been able to obtain abortions, and whether they had access to psychiatric support services. It was unclear whether babies born as a result of rape were put up for adoption, and whether all traumatized women would receive financial compensation.

26. Since a comprehensive programme to protect and assist war victims had been drawn up but not implemented owing to financial constraints, further details should be provided on the programme so that a proposal for assistance could be put forward. It would be interesting to know whether the Croatian Government had been able to bring any perpetrator of a crime against women before the International Tribunal for the former Yugoslavia, and whether the Croatian armed forces had committed any acts of aggression against women, including rape.

27. Croatian women did not participate a great deal in political decision-making; it was unclear whether that was a result of the armed conflict. There appeared to be no specific machinery for developing policies to benefit women. However, it was when the situation was most difficult that it was most important to have such machinery, as women were treated as second-class citizens and needed to have their interests defended. The Committee would like to make a positive contribution to dealing with the current problems in Croatia.

28. Ms. SCHOPP-SCHILLING noted that the Croatian Government had made contact with the Special Rapporteur of the Working Group on Enforced and Involuntary Disappearances, and said that it should also establish contact with the Special Rapporteur on the elimination of violence against women. She was concerned that the comprehensive programme to protect and assist war victims had not been carried out owing to financial constraints. That was surprising, since she knew that there was a great deal of potential support. In her own country, Germany, a great deal of money had been collected but no contact had been found in Croatia to take delivery of it. She would welcome further details on coordination between the Government and non-governmental organizations (NGOs), and on the existence of any bureaucratic obstacles.

29. Ms. AYKOR said that it would be useful to know more about the role that women and women's NGOs could play, whether they had assisted women in Croatia or visited women there, and what sort of assistance could be provided. She would also like to know what assistance was needed from the Committee.

30. Ms. JAVATE DE DIOS said that peace was an essential prerequisite for women's enjoyment of their human rights. It would be interesting to know what programmes were planned for the economic rehabilitation of families and displaced persons and refugees once there was peace. She would also like to know what educational initiatives were being taken in the light of the war, and how children had been responding to the crisis. It would be useful to know what was being done to punish the perpetrators of war crimes and how women were participating in that process.

31. Ms. SHALEV commended the Croatian Government for focusing on the systematic sexual assault of women as a war tactic, and for breaking the silence which usually surrounded the subject of rape. It also had a duty to name those who were guilty and to record their crimes. She would like to know more about what was being done in that respect and whether it was intended to provide financial compensation to the victims of such war crimes.

32. Ms. OUEDRAOGO applauded the Government's efforts to reintegrate traumatized women into society and noted that young girls especially would need prolonged psychiatric help. Peace should be brought about quickly, and it would be interesting to know how women were playing a part in that process. Women must be at the heart of the peacemaking process in order to achieve what they needed.

33. Ms. BARE said that she would be grateful for additional information on the incidence of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in Croatia and on whether the Government had made any effort to determine the number of people infected with the disease.

34. She commended the Government's efforts to afford the same treatment and protection to refugee women as to its own citizens and hoped that such support would continue. Further details should be provided on the number of displaced children and/or orphans in Croatia and on whether there were any programmes for their adoption and care. She hoped that the Government would make every effort to ensure that the perpetrators of the war crimes described in the report were brought before the International Tribunal.

35. Ms. AYKOR said that, while she strongly sympathized with the difficulties faced by the Government and people of Croatia, it was the Committee's role to promote the participation of women in decision-making at all levels. In view of the Government's admission that women played little or no part in the country's political affairs, she recommended that it should take steps to encourage women to aspire to positions of power.

36. Ms. ABAKA said that Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and Croatia had one thing in common, namely, that rape had been used as a weapon of war in their territories. That should prompt women from all parts of the former Yugoslavia to join together in the search for peace.

37. Ms. SREMIC (Croatia) said that it was not entirely true that Croatian women did not participate in the decision-making process; for example, women were well represented in the judiciary. Moreover, there were no legal obstacles to women's political participation, which her Government encouraged. If women did not exercise their right to participate, that was due to the impact of the war on all aspects of life in her country.

38. The International Tribunal had begun to function only recently and had not yet tried any cases. Her Government had established a war crimes commission for the purpose of collecting data to be forwarded to the Tribunal. Croatia would seek assistance from the international community in bringing the perpetrators to justice.

39. As to the question of whether Croatian soldiers had committed rape, it should be recalled that the Croatian army had only been organized under the onslaught of aggression and that, initially, it had not even possessed weapons. While the data requested by the Committee were not available, she could state that if rape had occurred, it had been an unfortunate by-product of the war and had not been used as an instrument of ethnic cleansing. Moreover, those responsible would be prosecuted under the legislation in force.

40. A comprehensive programme to combat HIV/AIDS was in place.

41. Ms. MATEK (Croatia) said that most of the victims of rape and other forms of mistreatment were refugees; they received financial assistance and other forms of support for themselves and their children. Her Government had established a commission of experts to deal with the problems of displaced persons and refugees. The commission's first priority was to assist disabled war victims. In addition, teams of social workers and psychiatrists were being dispatched throughout the country to provide psycho/social counselling to victims of torture.

42. While the programme to meet the basic needs of refugees and displaced persons was unfunded, her Government was channelling funds to it from other sources. Her Government was especially grateful for the support received from non-governmental organizations. In the first 11 months of 1993, US$ 7.6 million had been spent on basic necessities for displaced persons and refugees and US$ 24.2 million on hospital services and primary health care.

43. Since some parts of her country were still occupied, human rights violations were continuing. Between April 1992 and September 1993, 12,000 civilians had been forcibly displaced.

44. Women who became pregnant as a result of rape were entitled to an abortion. In some cases, women preferred to give birth and to keep their children, while in other cases, arrangements were made for the children to be adopted.

45. The CHAIRPERSON thanked the Croatian representatives and said that the Committee looked forward to receiving the Government's initial report. The Committee had concluded its consideration of the report submitted on an exceptional basis.

46. Ms. Sremic and Ms. Matek (Croatia) withdrew.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

47. Ms. ABAKA said that the Committee had considered the initial report of Rwanda two or three years previously. Since then, the country had experienced extreme violations of human rights, with women and children being the main victims. As it was unclear when Rwanda would be able to present its next report, she proposed that the Committee should request the Government to submit a report on an exceptional basis.

48. Ms. SCHOPP-SCHILLING endorsed the proposal and suggested that, for related reasons, the Government of Zaire should also be requested to submit a report on an exceptional basis. Moreover, in the light of the war taking place within the territory of the Russian Federation, about which the Government had provided no information in its report, it might also be appropriate to request a special report on the impact of the war on the general situation of women in that country.

49. Ms. AOUIJ said that she too supported the proposal to request a report from Rwanda on an exceptional basis. She also suggested that a report on rape as a weapon of war, prepared by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), should be submitted to the Fourth World Conference on Women as an official document of the Committee.

50. Ms. OUEDRAOGO said that it was very important to request a report from Rwanda on an exceptional basis, as that would bring the Committee up to date on the situation of women and children in that country. Recalling that, in the workshops that it was going to hold in Beijing, the Committee had decided to stress education, she said that a link should be established between the themes of education and peace. In the current world context of widespread war and internal conflict, the victims of which were often women and children, it was impossible to discuss education without mentioning peace.

51. Ms. JAVATE DE DIOS said that she too supported the proposal to request Rwanda to submit a report on an exceptional basis and endorsed the idea of linking education and peace. The Committee should come up with a definitive statement on what the role of women should be in peace-building. She wondered what action the Committee was going to take with regard to its request to Ecuador and Guatemala, at its thirteenth session, that they submit another report which would be due by the Committee's next session. She would also welcome any information on how the Committee was going to schedule the reports of the newly independent republics of the former Soviet Union which had ratified the Convention.

52. Ms. BUSTELO GARCIA DEL REAL endorsed the proposal to link education and peace and, referring to Committee recommendation 19 on the criteria for requesting special reports from States parties, said that the Committee should not try to assume responsibilities that fell within the purview of other United Nations bodies specifically concerned with violations of the human rights of all persons in time of war. The Committee should request special reports from countries in which there had been armed conflicts only if it had received information that women had been specifically targeted because of their sex or that the violence had affected women disproportionately. While she did not have any data on Rwanda, Somalia or Chechnya, she was not sure that the situation in their territories met those criteria.

53. Moreover, when the Committee next decided to request special or exceptional reports, it should prepare itself better than it had done in the case of the States of the former Yugoslavia. In that regard, individual Committee members could volunteer to compile comprehensive background information that would enable the Committee to ask pertinent and probing questions, so as to engage in an effective dialogue with the country concerned.

54. Ms. CORTI suggested that, rather than requesting a special report from Rwanda, the Committee should ask the United Nations High Commissioner for Human Rights for information on the situation in Rwanda and then voice to him its concerns about the situation of women in that country, stressing the urgent need to act to prevent conflicts from erupting. As to education for peace, the United Nations Decade for Human Rights Education was the appropriate framework for promoting peace and respect for human rights. The Committee should therefore reflect on how to organize the Decade in such a way as to enforce respect for people's dignity as a means of preventing wars and conflicts.

55. Ms. CARTWRIGHT agreed that the Committee should keep to its mandate and adhere to the principles which it had enunciated in the past in calling for special reports on an exceptional basis. She cautioned, however, that if the Committee decided to request such reports, it must consider very seriously what priorities should govern all aspects of its work.

56. Ms. SHALEV, noting that the Committee did not have enough information to warrant requesting an exceptional report from any of the countries that had been mentioned, suggested that the Committee should act to develop awareness of the gender perspective of war through the relevant United Nations organs, rather than asking for special reports on any wars that might erupt and thereby running the risk of politicizing its work. Concerning the UNESCO document on rape as a weapon of war, while she endorsed the proposal to put it on the agenda of the Fourth World Conference on Women, she suggested that it should be accompanied by some indication as to what steps the Committee wanted the international community to take on gender-specific war crimes.

57. Ms. SINEGIORGIS said that the Committee was duty bound to request a special report from the Government of Rwanda. It could then ask the United Nations High Commissioner for Human Rights to take whatever steps were deemed appropriate.

58. Ms. BERNARD said that the Committee would be failing in its responsibilities if it did not request a special report from Rwanda, which was a State party to the Convention and had in fact submitted an initial report several years previously. Rwanda should be urged to comply with its treaty obligations and submit a special report.

59. After a discussion in which Ms. AOUIJ, Ms. SINEGIORGIS and Ms. BERNARD took part, the CHAIRPERSON proposed that the Committee should send a letter to the High Commissioner for Human Rights requesting further information on the situation in Rwanda, particularly the situation of women and children. At the same time the Government of Rwanda should be requested to submit a report on an exceptional basis.

60. It was so decided.

The meeting rose at 1.10 p.m.